

## UPDATED INFORMATIVE DIGEST

### Fuel Hazard Reduction, 2004

#### Title 14 of the California Code of Regulations (14 CCR):

##### Amend:

§ 895.1	Definitions
§ 1052	Emergency Notice
§ 1052.1	Emergency Conditions

##### Adopt Permanently:

§ 1052.4	Emergency Notice for Fuel Hazard Reduction
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The Board of Forestry and Fire Protection (Board) held a series of public hearings between November 3, 2004 and March 2, 2005 on the adoption of this regulation on a permanent basis. On March 2, 2005, after reviewing comment and correspondence from concerned citizens and other agencies, and considering testimony presented at a public hearing, the State Board of Forestry and Fire Protection (Board) adopted amendments to the Forest Practice Rules as proposed in its public notices published on September 3, 2005, and on February 15, 2005.

The final adopted regulation language included changes that were provide to interested public persons in a 15 Day Notice of amendments to a proposed regulation and those determined by the Board to have been non substantial in accordance with GC § 11346.8(c). The revisions adopted primarily address the maximum tree diameter permitted to be harvested by the proposed regulation. Other minor revisions related to general grammatical, consistency edits were also added to the amended rule language. These include specific further definition of the emergency conditions to include crown fuel reduction. These revisions are expected to improve efficient implementation and interpretation of rule, reducing confusion and improving compliance. The non substantive revisions provide no cost or environmental impacts to the regulated community or agencies involved result due to revisions. The following changes were adopted by the Board to the regulation language in the 15 day notice published on February 15, 2005 as follows

#### **Adopted changes to the PROPOSED REGULATION Noticed on February 15, 2005**

**14 CCR § 1052.1 (e) Emergency Conditions** - Board added that the emergency conditions related to wildfire threat under this subsection include the need to eliminate vertical and horizontal continuity of crown fuels in addition to understory and surface fuels. The term and/or crown fuel was added.

#### **14 CCR § 1052.4 (d) (2) Emergency Notice for Fuel Hazard Reduction**

14 CCR § 1052.4 (d) describes the vegetative treatments permitted under the emergency notice. The original rule language limited tree removal to trees less than 30 inches stump diameter. After considerable deliberation and evaluation, the Board considered as an option in the 15 day notice to reduce the maximum harvest limit to 24 inches stump diameter, with exceptions permissible up 30 inches when determined by the RPF that such larger tree removals are necessary to meet fuel hazard reduction goals stated in 14 CCR 1052.1 (e). This option was adopted by the Board.

A non substantive amendment was included in this section. The word “bark” diameter was added to clarify the location on the stump where maximum width would be measured. .

#### **14 CCR § 1052.4 (f) Emergency Notice for Fuel Hazard Reduction**

This section was added to improve regulation enforceability by CDF field inspectors. Permits can be filed and operated simultaneously under the 14 CCR 1052.4 Emergency Notice for Fuel Hazard Reduction and under 14 CCR 1038 (b) Exemption for Harvests of Dead, Dying and Disease Trees. This could create an enforcement problem in that the 1038 (b) exemptions have no tree diameter size limit for removal of dead, dying or diseased trees. Inspectors would have difficulty determining if removal of trees over 24 inches stump diameter was permissible, as operations conducted under 14 CCR 1052.4 does not permit such large trees to be removed. To avoid this situation, operations conducted pursuant to 14 CCR § 1038(b) concurrently in the same geographic area as § 1052, 4(c) shall not remove diseased trees in excess of the diameter limit required under 14 CCR § 1052.4(d) (2). This requirement was added as an option in the 15 Day notice rule text. The effect of this amendment is to reduce the chance of removal of green (live) trees greater than 24 inches, while still permitting the removal of large diameter dead snags which often are unacceptable fire hazards in locations such as fuel breaks and roads. This option was adopted by the Board.